

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Bernadette VERNEAU  
Title: COMPOSITION FOR ORAL  
ADMINISTRATION CONTAINING  
CAPSAICINOIDS  
Appl. No.: 10/542,406  
Filing Date: 7/15/2005  
Examiner: Unassigned  
Art Unit: Unassigned

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

**RELEVANCE OF EACH DOCUMENT**

Any document listed on the attached PTO/SB/08 was cited as being relevant during the prosecution of the corresponding International application. A copy of the International Search Report was previously provided, and attached hereto are copies of the foreign and literature references listed therein, which document copies were not previously provided.

English-language abstracts of each foreign-language documents have been provided. The absence of a full English-language translation or an English-language counterpart document does not relieve the PTO from its duty to consider any submitted document (37 CFR §1.98 and MPEP§609).

Applicant respectfully requests that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Although Applicant believes that no fee is required for this Request, the Commissioner is hereby authorized to charge any additional fees which may be required for this Request to Deposit Account No. 19-0741.

Respectfully submitted,

Date March 29, 2006

By 

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| Substitute for form 1449B/PTO                        |   |      | <b>Complete if Known</b>      |                    |
| <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> |   |      | <b>Application Number</b>     | 10/542,406         |
| Date Submitted: March 29, 2006                       |   |      | <b>Filing Date</b>            | 7/15/2005          |
| (use as many sheets as necessary)                    |   |      | <b>First Named Inventor</b>   | Bernadette VERNEAU |
|  |   |      | <b>Group Art Unit</b>         | Unassigned         |
|  |   |      | <b>Examiner Name</b>          | Unassigned         |
| <b>Sheet</b>   | 1 | of 1 | <b>Attorney Docket Number</b> | 065691-0397        |

### U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup> | U.S. Patent Document |                                   | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|--------------------|-----------------------|----------------------|-----------------------------------|---|--|---|
|                    |                       | Number               | Kind Code <sup>2</sup> (if known) |   |  |   |
|                    | A1                    | 2002/0028257         | A1                                | CATALFO et al.                                  | 03/07/2002                                       |   |
|                    | A2                    | 2003/0104081         | A1                                | ROMBI, Max                                      | 06/05/2003                                       |   |
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### FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup> | Foreign Patent Document |                     | Name of Patentee or Applicant of Cited Documents | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T <sup>3</sup> |
|--------------------|-----------------------|-------------------------|---------------------|--|--|---|----------------|
|                    |                       | Office <sup>3</sup>     | Number <sup>4</sup> |  |  |   |                |
|                    | A9                    | CN                      | 1304682             | A  | DONG S   | 07/25/2001  | A              |
|                    | A10                   | EP                      | 0 201 041           | A1   | Fritzsche Dodge & Olcott Inc.                    | 11/12/1986  |                |
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|                    | A16                   | WO                      | 00/41708            | A1   | Laboratoires Arkopharma                          | 07/20/2000  | A              |

### NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>3</sup> |
|--------------------|-----------------------|--|----------------|
|                    | A17                   | YEOH et al., "How does chili cause upper gastrointestinal symptoms? A correlation study with esophageal mucosal sensitivity and esophageal motility," J. Clin. Gastroenterol., 1995, 21, pp. 87-90 (Abstract).   |                |
|                    | A18                   | YOSHIOKA et al., "Effects of red pepper added to high-fat and high-carbohydrate meals on energy metabolism and substrate utilization in Japanese women," British Journal of Nutrition, 1998, Vol. 80, pp. 503-510.   |                |

|                    |             |                 |             |
|--------------------|-------------|-----------------|-------------|
| Examiner Signature | /Quiwen Mi/ | Date Considered | /Quiwen Mi/ |
|--------------------|-------------|-----------------|-------------|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /QM/